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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,068	12/21/2001	Robert J. Abrams	LUC-319/Abrams 3-1-4-5	9847
32205	7590	09/01/2005	EXAMINER	
PATTI & BRILL ONE NORTH LASALLE STREET 44TH FLOOR CHICAGO, IL 60602			JONES, PRENELL P	
			ART UNIT	PAPER NUMBER
			2667	

DATE MAILED: 09/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/027,068	<b>Applicant(s)</b> ABRAMS ET AL.	
	<b>Examiner</b> Prenell P. Jones	<b>Art Unit</b> 2667	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 December 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. ***The form and legal phraseology*** often used in patent claims, such as "means" and "said," ***should be avoided***. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Applicant is using legal phraseology. In line 2 of the Abstract, "***comprising*** the steps."

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

***(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.***

3. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Girard.

Regarding claims 1 and 4, Girard discloses setting up a first part of a multi-media call utilizing packet-switched resources on a communication network (Fig. 2, a distributed edge switch (single point of control) that supports the delivery of multi-media services whereby each subscriber premise or party is associated with communicating in a call, thereby making each subscriber or party a part of the call session, a subscriber (first part of call) dials a number which connects to the packet network, paragraph 0082-0087) setting up a second part of the multi-media call utilizing circuit-switched resources, (Fig. 3, edge switch supplies at the subscriber premise packet data path from the premise to the packet transport network/packet switched, and it also provides a means by which voice, video and data terminals at the subscriber premise may connect to other network endpoints in the packet transport network, each creating connections through a shared bandwidth, routed IP data interface, call setup for a subscriber/endpoint at one end of the call connected to packet network and a second subscriber/endpoint at the receiving end is connected to the PSTN, paragraph 0106).

Regarding claim 2, Girard further discloses assigning part of the multi-media call to at least one of a packet-switched resource and a circuit-switched resource based on at least one of bandwidth, QoS, and real-time requirement for the part of the multi-media call (paragraph 0174, Edge switch negotiates the creation of multi-media streams, paragraph 0175, Edge switch uses network-based resources to associate a dialing number (part of call) with an IP address, as required to setup the SIP call session, communications between set-top boxes is based on some carrier-specific/bandwidth, paragraph 0176, the edge switch performs QoS between all terminals competing for broadband access network transmission capacity, transmission

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capacity is dynamically reserved for voice and video transmission, paragraph 005 and 0096, system supports real-time monitoring of service delivery).

Regarding claim 3, as indicated above, Girard further discloses setting up a third part of a multi-media call without affecting resources allocated to a first part of a multi-media call and a second part of the multi-media call (Fig. 3, all services stored on Edge switch is accessible to third parties as well as first part of call and second part of call, paragraph 0099).

4. Claims 6-12, 14 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Das et al.

Regarding claims 6-12, 14 and 16-18, Das discloses a call admission and control scheme for QoS in next generation wireless networks wherein multimedia traffic/call, which is classified as real-time (voice or video/circuit switched) and non-real-time (packet data/packet switched) is supported and QoS is utilized to guarantee QoS between end-users, whereby users request resources to initiate call setup (Fig. 1, Fig. 2, page 18, left col. & right col.), user requirements may require real-time/circuit switched and non-real-time/packet switched resource (page 19, left column, paragraph 2 and 3), when a real-time call request is made and it is found that all channels are unavailable, the user maybe assigned a non-real-time resource and visa versa, determine if real-time request or non-real-time request is available (page 19, right col., page 22, left col., paragraph 2, 3, 4, right col., paragraph 1-4), and allocating of resources

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Girard in view of Elliott

Regarding claim 5, as indicated above, Girard discloses a distributed edge switch for voice over packet multi-service network. However, Girard is silent on implementing instructions for allocating services on a computer readable signal-bearing medium. In analogous art, Elliott discloses a computer-readable signal-bearing medium that includes a computer readable program code that implements setting-up a subscriber to an ATM and setting up a subscriber to a PSTN (a computer usable medium of instructions in a variety of forms for setting up or processing a call as associated with the implementation of the current invention, col. 6, line 41-60). Therefore, it would have been obvious to one of ordinary skilled in the art to implement the

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instructions for setting up a call on a computer readable medium as taught by Elliott with the teachings Girard for the purpose of carrying out distribution of resources in an orderly fashion.

8. Claims 13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Das in view of Elliott.

Regarding claims 13 and 19, as indicated above, Das discloses a call admission and control scheme for QoS in next generation wireless networks wherein multimedia traffic/call request service/resource allocation. However, Das fails to teach or suggest implementing instructions for allocating services on a computer readable signal-bearing medium. In analogous art, Elliott discloses a computer-readable signal-bearing medium that includes a computer readable program code that implements setting-up a subscriber to an ATM and setting up a subscriber to a PSTN (a computer usable medium of instructions in a variety of forms for setting up or processing a call as associated with the implementation of the current invention, col. 6, line 41-60). Therefore, it would have been obvious to one of ordinary skill in the art to implement the instructions for setting up a call on a computer readable medium as taught by Elliott with the teachings Das for the purpose of carrying out distribution of resources in an orderly fashion.

9. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Das in view of Girard.

Regarding claims 15, as indicated above, Das discloses a call admission and control scheme for QoS in next generation wireless networks wherein multimedia traffic/call request

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service/resource allocation. However, Das is silent on a second party joining call. In analogous art, Girard discloses setting up calls in a multi-media environment (Fig. 2 and 3) wherein an additional part can join call. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement allowing addition parties to join calls as taught by Girard with the teachings of Das for the purpose of allowing multiple users to communicate on the same call simultaneously.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 703-305-0630. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 703-305-4378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Prenell P. Jones

August 30, 2005

KWANG BIN YAO  
PRIMARY EXAMINER